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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 SAN JOSE DIVISION

12 MIRSAD HAJRO, JAMES R. MAYOCK,) No. C 08-1350 PVT
13 Plaintiffs,)
14 v.) STIPULATION TO VACATE DATES;
15 UNITED STATES CITIZENSHIP AND) and [XXXXXXXXXX] ORDER
16 IMMIGRATION SERVICES;)
17 T. DIANE CEJKA, Director,)
USCIS National Records Center;)
18 ROSEMARY MELVILLE, USCIS District)
Director of San Francisco;)
19 MICHAEL CHERTOFF, Secretary,)
Department of Homeland Security;)
MICHAEL B. MUKASEY, Attorney General)
Department of Justice,)
20 Defendants.)
21 _____)

22 Plaintiffs, by and through their attorney of record, and Defendants, by and through their
23 attorneys of record, hereby stipulate, subject to the approval of the Court, to the following:

- 24 1. Plaintiffs filed this action on or about March 10, 2008. The Defendants filed their response
25 to Plaintiffs' amended complaint on June 23, 2008.
- 26 2. On January 5, 2009, Defendants filed a Motion to Dismiss in Part, noticing a hearing date of
27 February 10, 2009.
- 28 3. Pursuant to the Court's Order of January 22, 2009, granting in part the parties' second

Stipulation to Vacate Dates

C08-1350 PVT

request to extend dates, fact discovery cutoff is date is January 30, 2009.

4. On January 21, 2009, the parties engaged in a very productive round of mediation with an appointed mediator and are considering a possible resolution of the case without further litigation.

5. The parties, with the support and encouragement of the mediator, ask this Court to vacate the February 10, 2009 hearing date on Defendants' Motion to Dismiss, and to hold this matter in abeyance for 60 days.

Dated: January 22, 2009

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

/s/
ILA C. DEISS¹
Assistant United States Attorney
Attorneys for Defendants

Dated: January 22, 2009

/s/
KIP EVAN STEINBERG
Attorney for Plaintiffs

ORDER

Pursuant to stipulation, IT IS SO ORDERED. The February 10, 2009 hearing date is hereby vacated. On or before March 23, 2009, the parties will either file a stipulated dismissal or request other appropriate relief.

Date: January 23, 2009

Patricia V. Trumbull
PATRICIA V. TRUMBULL
United States Magistrate Judge

¹I, Ilia Deiss, hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/s/) within this e-filed document.